

Attorney Docket No. 108298610US
Disclosure No. MUEI-0528

REMARKS

In the Office Action mailed 16 May 2003 in this application, the Examiner rejected claims 52-76 as anticipated by US Patent 6,298,165 (Abecassis). The undersigned respectfully submits that the present claims, as amended, patentably distinguish over Abecassis.

The undersigned would like to thank Examiner Al-Hashemi for taking the time to discuss this case today, 18 August 2003. The undersigned called to seek a better understanding of how the Examiner read the cited passages of Abecassis as teaching the specified claim elements. Given that the interview request did not afford the Examiner a chance to pull the file, the undersigned fully understands the Examiner's inability to recall the specifics of this case and how the cited passages were being applied to the claims.

I. Amendments

The present amendment cancels claim 74 and amends claims 52, 54, 61, 63, 65-71, and 73. The undersigned does not believe this amendment requires any extra claims fees or extension of time fees. The Office is authorized, however, to charge any additional claims fees or extension of time fees necessitated by the present amendment to Deposit Account No. 50-0665.

II. The Applied Art

All of the Examiner's rejections are based on Abecassis. The undersigned has not studied Abecassis, a rather lengthy reference, in great detail. If the undersigned has overlooked something in Abecassis that is pertinent to the following claim analysis, the undersigned would be grateful if the Examiner would identify the relevant passage(s) of Abecassis.

As the undersigned currently understands Abecassis, it provides a system directly analogous to the system discussed in the same inventor's US Patent 6,304,715, discussed at length in prior prosecution of this application. At the core of both systems is a detailed "segment map" that identifies specific content category codes for each

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scene. The DVD player uses a user's stated "content preferences" to establish a path through the video using this segment map. Abecassis also adds information that is not included in the '715 patent. For example, Abecassis suggests a "Multimedia Player" that is adapted to play DVDs (101) and includes various storage media (103, 104, and 144) in the device.

III. Claims 52-62 Are Patentable Over Abecassis

Claim 52, as amended, provides a method of controlling reproduction of a work that includes, *inter alia*, receiving rating input that comprises a selection of one of a plurality of ratings choices and reviewing the work on a first storage medium to determine if the first storage medium includes a rated version. The rated version, if present, is played. If the rated version is not included on the first storage medium, a database stored on a second medium is accessed. This database includes, for each of the plurality of ratings choices, a secondary database that includes information identifying a portion of a work having an assigned content ratings level bearing a predetermined relationship with the ratings choice. Scenes of the work are reproduced in accordance with information in the secondary database that corresponds to the rating input.

Abecassis seems to consistently refer to using a single, monolithic segment map and requiring the Multimedia Player to determine an appropriate video sequence using the segment map. This requires the Multimedia Player to carry out a series of independent comparisons of up to 4 different content codes for each portion of a scene, requiring detailed programming and burdening the system's processing capacity. In contrast, claim 52 calls for a database that includes ratings level-specific secondary databases, which already correspond to specific ratings choices. When a rating input identifies a specific ratings choice, the secondary database that already corresponds to the selected ratings choice may be used in reproducing the work. Claim 52, therefore, is distinguishable from Abecassis under §102.

The undersigned sees nothing in Abecassis that would lead one of ordinary skill in the art to use such a multi-level database structure. In at least one implementation of the invention claimed in claim 52, the ratings choice-specific secondary database can

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be smaller than the full database for all ratings choices, which may, in turn, make downloading the database (if necessary) easier or even simplify processing during playback, reducing the burden on the system during playback.

To define even a *prima facie* rejection under 35 U.S.C. § 103, the MPEP requires that the Examiner adequately explain why one of ordinary skill in the art would be motivated to alter Abecassis's highly detailed teaching to arrive at the claimed invention:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so."

MPEP § 2143.01, quoting *in re Mills*, 916 F.2d 680 (Fed. Cir. 1990). (*Emphasis in original.*) The undersigned respectfully submits that there is nothing in Abecassis that would motivate skilled artisans to arrive at the invention of claim 52, so claim 52 is patentable over Abecassis. Claims 53-62 depend from claim 52 and are patentable at least by virtue of their dependence from an allowable base claim.

IV. Claims 63-72 Are Patentable Over Abecassis

Aspects of claim 63 (e.g., a database containing secondary databases) are analogous to aspects of claim 52 discussed above. By analogy to the preceding discussion of claim 52, therefore, the undersigned respectfully submits that claim 63 and dependent claims 64-72 are patentable over Abecassis.

V. Claims 73, 75, and 76 Are Patentable Over Abecassis

Claim 73, as amended, calls for an apparatus for controlling reproduction of a work that includes, *inter alia*, a ratings input adapted to receive a) information assigning an assigned content ratings level to a portion of the work, and b) receive a playback content ratings level input by the viewer. A controller is coupled to the ratings input and to a connection to a server storage medium. The controller is programmed to a) store the assigned content ratings level in the server storage medium-resident database, and

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b) control reproduction to reproduce only the portions of the work having an assigned content ratings level bearing a predetermined relationship to the playback content ratings level.

The undersigned sees nothing in Abecassis disclosing a system with such a multi-functional ratings input and a controller that will both store assigned content ratings level information on a server storage medium and use the database containing the this input to control reproduction of a work. Claim 73, therefore, is distinguishable from Abecassis and cannot be anticipated under §102.

Nothing in Abecassis would appear to lead one of ordinary skill in the art to such a system, either. Insofar as the undersigned understands Abecassis, the rather complex system map is either distributed on the DVD itself or, if it wasn't included in the DVD at the time it was made, retrieved at a later date. (See, e.g., column 27, line 66 - column 28 line 3.) However, this does not suggest a system with a ratings input and controller that can perform both of the functions specified above. In the absence of a specific motivation to modify Abecassis's rather detailed explanation of the Multimedia Player, the undersigned respectfully submits that claim 73 is patentable over Abecassis. Claims 75 and 76 depend from patentable claim 72 and are believed to be allowable at least on that basis.

VI. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-3848.

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Respectfully submitted,

Perkins Coie LLP



Edward S. Hotchkiss
Registration No. 33,904

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Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 583-8888